

LISTING OF CLAIMS

This Listing of Claims will replace all prior versions of claims in the application.

Claim 1 (Previously presented): A *Medicago sativa* or cultivated alfalfa seed deposited as ATCC Accession Number PTA-2759.

Claim 2 (Currently amended): A *Medicago sativa* hybrid or cultivated alfalfa plant ~~derived from~~ that is grown directly from the seed deposited as ATCC Accession Number PTA-2759, ~~or a plant grown from a vegetative cutting, callus or tissue culture obtained from a plant part grown from the seed deposited as ATCC Accession Number PTA-2759, or a clonal plant thereof.~~

Claim 3 (Original): Pollen from the plant of claim 2.

Claim 4 (Original): An ovule from the plant of claim 2.

Claim 5 (Previously presented): A method of producing alfalfa seeds having at least 75% hybridity comprising the steps of :

(a) crossing by controlled pollination cytoplasmic male sterile alfalfa plants with maintainer line alfalfa plants to produce cytoplasmic male sterile hybrid plants;

(b) selectively harvesting seed from the cytoplasmic male sterile hybrid plants of step (a);

(c) crossing male sterile hybrid alfalfa plants by male fertile alfalfa plants by allowing open pollination of plants grown from the seed of step (b) and seed from at least one line of male fertile alfalfa plants, the male sterile seed and male fertile seed planted at a ratio of about 4:1; and

(d) non-selectively recovering the seeds from the pollinated alfalfa plants of step (c).

Claim 6 (Original): The method of claim 5, further comprising the step of determining the hybridity of the progeny of the crossing.

Claim 7 (Previously presented): The method of claim 6, wherein the step of determining the hybridity of the progeny of the crossing is with a genetic or morphological marker.

Claim 8 (Previously presented): The method of claim 6, wherein the step of determining the hybridity is accomplished with amplified fragment length polymorphism analysis.

Claim 9 (Currently amended): The method of claim 5, wherein the average seed yield of step (d) is at least 80% of the average seed yield obtainable by ~~crossing only~~ selfing the male fertile plants of step (c).